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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,178	03/10/2004	Kiyoharu Nishiyama	250026US2 DIV	3502
22850	7590	12/20/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/796,178

Applicant(s)

NISHIYAMA ET AL.

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/238,639.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_



## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies have been filed in parent Application No. 09/238,639, filed on January 28, 1999 (now USPN 6,725,460).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nemirofsky et al (WO 94/03995), cited by the Examiner.

As to claim 1, note the Nemirofsky et al reference which discloses a delivery system for delivering a plurality of contents. The claimed center system configured to deliver the plurality of contents is met by the uplink control system (UCS) 4 in the distribution center (DC) as shown in FIG. 1 (pg. 8, lines 10-18). The claimed plurality of terminal systems configured to receive the plurality of contents from the center system and to display the plurality of contents is met by the receiving sites (RS) with television(s) 14 as shown in FIG. 1 (pg. 8, lines 18-25). The claimed communication lines connecting said center system to said plurality of terminal systems and configured to transmit the plurality of contents is met by the data communication link 15 in



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FIG. 1 (pg. 8, lines 22-25) and non-satellite forms of distribution, such as cable or other types of communication lines (see pg. 40, lines 10-12). The claimed wherein said center system comprises a delivery-schedule setting unit configured to set a schedule of delivery of the plurality of contents is met by traffic control computer 24 in FIG. 2, which allows for the setting of sequencing, timing, and distribution or delivery scheduling (see pg. 9, line 37 – pg. 10, line 4). The claimed content-delivery unit configured to deliver the plurality of contents to the plurality of terminal systems according to the schedule of delivery is met by system control computer 26 in FIG. 2, which controls playback control unit 34 that actuates playback devices 32 upon receiving a signal from the system control computer (see pg. 8, line 36 – pg. 9, line 20; pg. 9, line 35 – pg. 10, line 9; and pg. 36, line 34 – pg. 37, line 9), and the claimed to customize the plurality of contents individually for each terminal system is met by the traffic control computer 24 in FIG. 2, which stores and controls terminal-attribute information in a database (see pg. 19, lines 1-25; pg. 20, line 30 – page 21, line 7, also see pg. 10, line 27 – pg. 11, line 5), where the trafficking system schedules and sequences programming segments based on desirable receiver attributes (pg. 31, lines 2-14 & pg. 36, lines 7-12), and delivers the contents to selected terminal systems (see pg. 24, lines 4-5, and pg. 36, lines 7-9).

As to claim 2, the claimed said content-delivery unit is configured to customize the plurality of contents individually for each terminal system based on at least one characteristic of each terminal system is met by the sections of the Nemirofsky reference as described above in claim 1, more specifically wherein the programs, advertising or “contents” may be targeted and customized based on individual receivers in stores, sections of store aisles, geographic regions or



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location, etc. (see pg. 19, lines 11-26 for example, as well as other sections previously cited above).

As to claim 3, the claimed wherein said at least one characteristic of each terminal system comprises a location of the terminals system, a season, a data, and a day is met by the characteristics as described above in claim 2, including location, time of day, etc. (see pg. 19, lines 11-26).

As to claim 4, the claimed wherein the plurality of contents comprises sales of goods, local community news, traffic information, and weather information is met by types of goods sold (e.g. produce or dairy), news, weather information, and other types of information (see pg. 19, lines 1-26 and pg. 36, lines 7-13).

As to claim 5, the claimed wherein each terminal system is configured to display at least one content of the plurality of contents at a given time is met by a plurality of customized programs may be broadcast simultaneously and the specific program content displayed is assembled automatically by the receiver 54 switching channels according to the switching commands read by the insertion control unit 56, in addition program segments or "content" may be stored in the receiver(s) in advance and segments or content may be displayed at one or more receivers or "terminal system(s)" at a given time (see pgs 8-11 as referenced above and pg. 19, lines 1-26 & pgs. 31-32).

As to claim 6, the claimed wherein each terminal system is configured to independently and simultaneously display at least two contents of the plurality of contents is met by video overlays of selected logos, such as that of a supermarket chain or the network operator, and/or live interrupts, such as a local weather forecast, which may be overlaid or added to video content



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being sent to specific receiving devices (see pg. 17, line 33 – pg. 18, line 14; pg. 19, lines 1-26; and pg. 35, line 37 – pg. 36, line 12).

As to claim 7, the claimed wherein said content-delivery unit is configured to independently and simultaneously deliver at least two contents of the plurality of contents to each terminal system is met by a plurality of customized programs may be broadcast simultaneously to various receivers at the same or different locations (pg. 19, lines 1-26).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosser et al (USPN 5,264,933) – Discloses television displays having selected inserted indicia.

Rosser et al (USPN 5,264,933) – Discloses a system and method for authorizing, controlling, and monitoring the insertion of advertising indicia and other video images into a broadcast video stream by an Electronic Billboard system operated at a location remote from a video program origination location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.



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**Or faxed to: 571-273-8300**

**Hand-delivered responses should be brought to the Customer Service Window at the address listed above.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer  
December 5, 2005



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**